

Planning Commission Minutes  
November 10, 2022

(The agenda was filed with the City Clerk of The City of Oklahoma City at 4:45 p.m. on November 04, 2022)

1. (PC-10851) Application by Mark F. Walther, to rezone 2607 South May Avenue from the R-1 Single-Family Residential District to the C-3 Community Commercial District. Ward 6.

**RECOMMENDED APPROVAL.**

MOVED BY CLAIR, SECONDED BY POWERS

AYES: CLAIR, POWERS, FRALEY, PRIVETT, HINKLE, GOVIN, PENNINGTON,  
NOBLE

ABSENT: LAFORGE



**STAFF REPORT**  
**The City of Oklahoma City**  
**Planning Commission**  
**November 10, 2022**

**Item No. IV. 1.**

(PC-10851) Application by Mark F. Walther, to rezone 2607 South May Avenue from the R-1 Single-Family Residential District to the C-3 Community Commercial District. Ward 6.

**I. GENERAL INFORMATION**

**A. Contacts**

**Applicant**

Mark F. Walther  
(405) 882-7480  
Mark.walther37@yahoo.com

**B. Case History**

This is a new application.

**C. Reason for Request**

The purpose of this request is to change the existing residential based zoning to a commercial based zoning that will permit commercial development.

**D. Existing Conditions**

**1. Size of Site (0.32 Acre)**

**2. Zoning and Land Use**

	<b>Subject Site</b>	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
<b>Zoning</b>	R-1	SPUD-530	I-2	O-2	R-1
<b>Land Use</b>	Undeveloped	Residential	Restaurant	Office	Residential

**3. Comprehensive Plan Land Use Typology Area: Urban – Medium (UM)**

UM applies to fully urbanized areas of the city, most of which were built prior to the 1960s. Developments are expected to be larger in scale and have greater intensity and mixture of uses than developments found in UL. Development within UM areas should support efficient transit usage and provide pedestrian and bicycle access to retail, services, parks, and other destinations. Priorities for the UM areas include “infill” developments on vacant lots, rehabilitation of underutilized property, and development that supports revitalization of distressed neighborhoods.

**Comprehensive Plan Land Use Typology Layer: Urban Commercial (UC)**

The Urban Commercial encourages the concentration of small-scale retail, office and service businesses in locations that serve as hubs for neighborhood and city-wide consumer activity. The UC designation applies to development within one block of the designated corridor. UC designates strategic areas where the creation or revitalization of a commercial district will drive revitalization and an increase in property value in surrounding neighborhoods. Office and multi-family residential uses are highly desirable within UC areas, as they generate market demand for retail, incorporate walkable environments and create synergies that encourage full utilization of land.

- 4. Development Context:** The subject site is located on the west side of S May Avenue, south of SW 25th Street, in an area generally located north of SW 29<sup>th</sup> Street and east of Interstate 44. The site is zoned R-1 and undeveloped. The S May Avenue corridor has a mixture of residential, office, commercial, and industrial uses and zoning. Adjacent to the subject site on the north is property that was rezoned from C-3 to SPUD-530 in 2009 to allow two homes. Abutting on the west is a single-family residential neighborhood zoned R-1. East of the site, across S May Avenue, are a restaurant and auto repair business, both within the I-2 District. Adjacent to the site on the south is a salon zoned O-2. The application seeks to rezone the subject site to the C-3 District.

**II. REVIEW COMMENTS**

This application was submitted to the following agencies, departments, and/or divisions for review and comment. An asterisk indicates that the agency, department, and/or division responded with no adverse comments.

**A. Outside Agencies**

- 1. Oklahoma City-County Health Department (OCCHD)**
- 2. Oklahoma City Urban Renewal Authority (OCURA)**
- 3. Oklahoma Gas and Electric (OGE)**
- 4. Oklahoma Water Resources Board (OWRB)**
- 5. School District (Oklahoma City)**
- 6. Oklahoma Department of Transportation (ODOT)**

- 7. Oklahoma Natural Gas (ONG)**
- 8. Oklahoma Electric Cooperative (OEC)**

**B. City Departments**

- 1. Airports**
- 2. Central Oklahoma Transportation and Parking Authority (COTPA)**
- 3. Fire \***
- 4. Information Technology/Geographic Support**
- 5. Parks and Recreation**
- 6. Police**
- 7. Public Works**

**a. Engineering**

**Storm Sewer Availability**

- 1) The Public Works Drainage Division staff has reviewed the subject application. All development, new construction, and/or substantial improvements planned within the proposed area shall be subject to chapter 16 of the Oklahoma City Municipal Code.
- 2) Storm sewers in accordance with the City's Drainage Ordinance will be required. Development abutting section line roads with drainage flows that exceed the capacity of OKC standard ditch detail (D-100) will necessitate the installation of enclosed storm sewer and/or concrete channel. These improvements shall be placed to provide a minimum of 35' clearance distance from the centerline of the section. Concrete channels must be entirely outside public right-of-way.
- 3) A flood and/or drainage study will be required to establish finished floor elevations, common lot areas or private drainage easements. A final plat should not be submitted until the study has been reviewed and approved by the Public Works Department.

- 4) Flood Study will be required to show no rise in FEMA Q 100 and the City of Oklahoma City Q 100 water surface elevation, compared pre-and post-development.
- 5) A portion of subject property is situated within a F.E.M.A. Flood Plain. Therefore, the establishment of Minimum Finish Floor Elevation for each lot within the flood plain will be required (100-year) frequency plus 1'. The Public Works Department Engineering staff shall approve these elevations prior to the filing of the final plat.
- 6) A floodplain activity permit must be submitted for any work contemplated in The Waters of the United States.
- 7) A Corps of Engineers 404 permit must be submitted with plans for any work contemplated within the floodplain, creek, or channel (waters of the United States) included in the case limits.
- 8) Plans for drainage improvements within the private drainage reserves and/or common areas must be submitted for review, and payment of inspection fees shall be made prior to construction. Building permits will not be issued until construction is complete. If a subdivision abuts a stream, the private drainage easements and/or common area along stream shall extend to flow line of stream at a minimum.
- 9) Place the following note on the plat and construction plans: Maintenance of the Common Areas and/or Private Drainage Easements shall be the responsibility of the property owner. No structures, storage of material, grading, fill or other obstructions, including fences, either temporary or permanent shall be placed within the common areas and/or drainage easements shown.
- 10) Drainage easements shall be clearly denoted as public or private in owner's dedication, on the plat, and/or in the plat notes.
- 11) Construction within the limits of this PC will require an erosion control plan in accordance with EPA Storm Water Discharge permitting: CFR Vol. 57, No. 175, September 9, 1992. A copy of the EPA Notice of Intent (NOI) will be required prior to the issuance of work orders or permits for construction activities disturbing an area of 1/2 acre or greater.
- 12) Sidewalks shall be installed for all new construction and/or at the time of a residential use to a more intense use on all lots having frontage on public streets classified as a major or minor arterial.

13) All private roads /streets will have private storm sewer systems.

14) Engineer/developers will be contacting PW for detention determination before they submit their final plat and plans.

**8. Streets, Traffic and Drainage Maintenance**

**9. Stormwater Quality Management**

**10. Traffic Management**

**11. Utilities**

**a. Wastewater Comments**

- 1) An existing 8” wastewater main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service line connection is required for each building/structure.
- 2) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings. All wastewater mains must have a minimum cover of six (6) feet and a depth no greater than eighteen (18) feet.
- 3) The developer will be required to extend the wastewater collection system to each lot or site within the subdivision or land improvements in accordance with City Standard Specifications and the current Subdivision Regulations.

**b. Water Comments**

- 1) An existing 16” water main(s) is adjacent to the subject site(s) and a service connection will be permitted in accordance with City Standard Specifications. A separate service connection and meter is required for each building / structure.
- 2) Minimum ten (10) foot horizontal separation required for water mains and five (5) foot for other crossings. Minimum two (2) foot vertical separation required for all crossings. All water mains must have a minimum cover of five (5) feet along section line roads and four (4) feet elsewhere.

- 3) In accordance with ODEQ regulations, the City provides water at a minimum pressure of 25 psi. The developer is responsible for designing and construction of all fixtures to provide adequate domestic and fire protection under minimum pressure conditions. The developer will be responsible for any failure of domestic and fire protection systems which require water pressure in excess of 25 psi.
- 4) All existing and proposed meters must meet current specifications and standard details and be located in the right of-way or utility easement within grassy areas outside of sidewalks, driveways, streets and/or paving.

**c. Solid Waste Management**

No Solid Waste Management services needed.

**12. Planning**

**a. Comprehensive Plan Considerations**

*The subject site is within the Urban Medium LUTA and within an area where the Urban Commercial layer applies. Policies for both are listed below.*

**1) LUTA Development Policies:**

Site Design:

- Avoid developing within 100-year floodplains or floodways. (UM)
- Maintain historical lot and block sizes where possible and appropriate. (UM)
- Utilize Best Management Practices (BMP) for stormwater. (UM)
- Incorporate commercial uses at street level to maintain an active, pedestrian friendly streetscape. (UM)
- Design buildings to include facades, storefront windows, and attractive signage and lighting to create pedestrian-scale visual interest. (UM)
- Encourage all buildings fronting a designated corridor or node to have ground floor space for retail or service businesses. (UC)
- All signage should be designed to provide visual coherency, which includes a consistent and cohesive pattern of materials, lighting, and height. (UC)

*100-year floodplain may be present on the subject site. The development is required to comply with all City, State, and Federal requirements within the floodplain. The subject site is at the north end of a commercial corridor designated in planokc.*

Location:

- Locate large-scale commercial and office development on arterial streets. (UM)

- Mixture of density, lot size and building scale is appropriate as long as land use compatibility is achieved. (UM)

*The subject site is located along S May Avenue, an arterial street.*

Density: The non-residential Floor to Area Ratio (FAR) range for the UM LUTA is 0.4 to 1.2 with a typical FAR of 1. *New development would be limited to one story within 35 feet, and two stories between 35 and 75 feet, of the adjacent residential zoning, likely producing a FAR within or below the UM range.*

Automobile Connectivity:

- Maintain and enhance the connectivity of the street network. (UM)
- Keep alleys open and functional. (UM)
- Limit curb cuts on arterial streets and where possible, concentrate access for retail development at shared entrance points. (UM)
- Primary entrance points should be aligned with access points immediately across the street. (UM)
- Limit curb cuts and automobile accessibility off of the primary commercial street. (UC)
- Reduce the size of private parking lots through shared parking agreements. (UC)

*A platted but unimproved alley runs along the western boundary of the site, spanning from SW 25<sup>th</sup> Street to SW 26<sup>th</sup> Street. Access would be from S May Avenue per Code.*

Pedestrian Connectivity:

- Provide sidewalk connections to nearby uses. (UM)
- Provide safe and direct pedestrian and bicycle access from adjacent public streets and trails. (UC)

*Sidewalks will be required along the arterial street as development occurs.*

- 2) **Compatibility:** The comprehensive plan includes a land use compatibility matrix used to identify potential conflicts between major land use categories. When locating the proposed commercial uses adjacent to existing office or residential zoning and/or uses, “Building Scale and Site Design”, “Traffic”, and “Operational Impact” are potential compatibility issues identified by the comprehensive plan. Projects in higher intensity LUTAs (UM) may be more appropriate for significant transitions of density, scale and mass.

Building Scale and Site Design: The comprehensive plan calls for mitigation measures for new projects if the setbacks are significantly deeper or more shallow than the predominant character of adjacent development;

the building's orientation to the street differs from the predominant character of adjacent development; building size or street frontage dramatically differs from that of adjacent uses, the lot coverage (including buildings and paved areas) dramatically exceeds that of adjacent uses, or if buildings within 40 ft. of a single-family residential structure exceed a 3:1 ratio in height. *The C-3 District regulations allow greater lot coverage (100%) than the adjacent R-1 District on the west (50%). Code will require a step-down in height, screening, and a landscape buffer for new commercial development adjacent to a residential district. Mitigation measures beyond Code requirements cannot be stipulated in a base zoning request.*

Traffic: Mitigation measures should be used if the development is inconsistent with the Street Typology, or would substantially exceed the average daily traffic of existing, adjacent uses. *No triggers requiring mitigation were identified.*

Operational Impact: The comprehensive plan calls for mitigation measures if new projects propose uses that generate noise levels above those found in typical residential settings, have detectable odors, spill light above that found in typical residential settings, or operate after 10 p.m. within proximity to residential uses. When located near residential uses, the comprehensive plan calls for containing operating effects (including noise and odor) within building walls, using vertical screening to block any mechanical equipment and service areas, and directing light away from adjacent residential areas. *The C-3 District allows some uses, particularly gasoline sales, drive-thru facilities, and auto repair, that may create spill light, noise, or detectable odors above those found in typical residential settings. Code will require increased setbacks, screening, and landscape buffers where adjacent to a residential district. Mitigation measures beyond Code requirements cannot be stipulated in a base zoning request.*

**3) Service Efficiency:**

- Water: *Served*
- Sewer: *Fully Served Area*
- Fire Service: *Urban Service Level*

**4) Environmentally Sensitive Areas:** The following apply to the proposed development site:

- Riparian areas are vegetated areas adjacent to streams, lakes, ponds, and wetlands that are composed of a mixture of trees, shrubs, and grasses. These areas may also contain floodplain. The comprehensive plan recommends a 100-foot buffer from stream banks. *Riparian area is present on the subject site in the form of 100- and 500-year floodplain. The development is required to comply with all City, State, and Federal requirements within the floodplain.*

- Upland Forests: N/A
  - Vulnerable Aquifers: The aquifer in this area is considered highly vulnerable to depletion. The comprehensive plan recommends preserving natural open spaces and utilizing low impact development techniques whenever possible in new developments in order to maintain water quality and allow for the infiltration of stormwater onsite.
- 5) **Transportation System:** This site is located off S May Avenue, a Major Arterial Street in the Urban Medium LUTA. The nearest transit (bus) service is located just south of the site, along the west side of S May Avenue. Access to the City trail system is available west of the subject site along the S Grand Boulevard Trail.
- 6) **Other Development Related Policies**
- Commercial buildings should be built at the street rather than behind a parking lot in order to promote pedestrian circulation, multipurpose shopping trips, and walkable and attractive streetscapes. (SU-28)
  - Neighborhood-scale retail should be developed at the median breaks or intersections of major or minor connectors. (SU-31)
  - Require sidewalks on both sides of all streets in urban LUTAs. (C-7)
  - Improve the functionality and efficiency of the street network by:
    - Providing direct connections from residential developments to nearby places and to each other.
    - Providing street and sidewalk stubs to adjacent vacant land in anticipation of future development.
    - Connecting new development to existing street and sidewalk stubs, and to existing trail, open space, and bicycle networks.
    - Reducing block sizes and use of dead-end streets.
    - Maintaining the existing street grid to preserve connectivity and mobility options. (C-11)
  - Limit driveways on arterials and collectors and increase connections between uses to improve safety and traffic efficiency. (C-30)
  - Share parking between contiguous developments. (C-31)
  - Support and incentivize the adaptive use of existing buildings, infill development, and brownfield development. (G-10)
  - Preserve mature, healthy trees and incorporate them into the design of new development or redevelopment projects to the greatest extent possible. (G-26)
  - Initiate new efforts to reduce sign clutter and improve the aesthetics of signs, while allowing for adequate and visible business identification (E-14)

**b. Plan Conformance Considerations**

The 0.32-acre subject site is located on the west side of S May Avenue, south of SW 25th Street. The site is zoned R-1 and undeveloped. The proposed development site is within the Urban Medium Land Use Typology and at the northern end of an Urban Commercial (UC) corridor centered around SW 29<sup>th</sup> Street and S May Avenue. The proposed C-3 District is consistent with the UC designation and other zoning along the S May Avenue corridor. The C-1 District would also be appropriate for the site's location abutting residential and office uses, but it does not allow general retail uses.

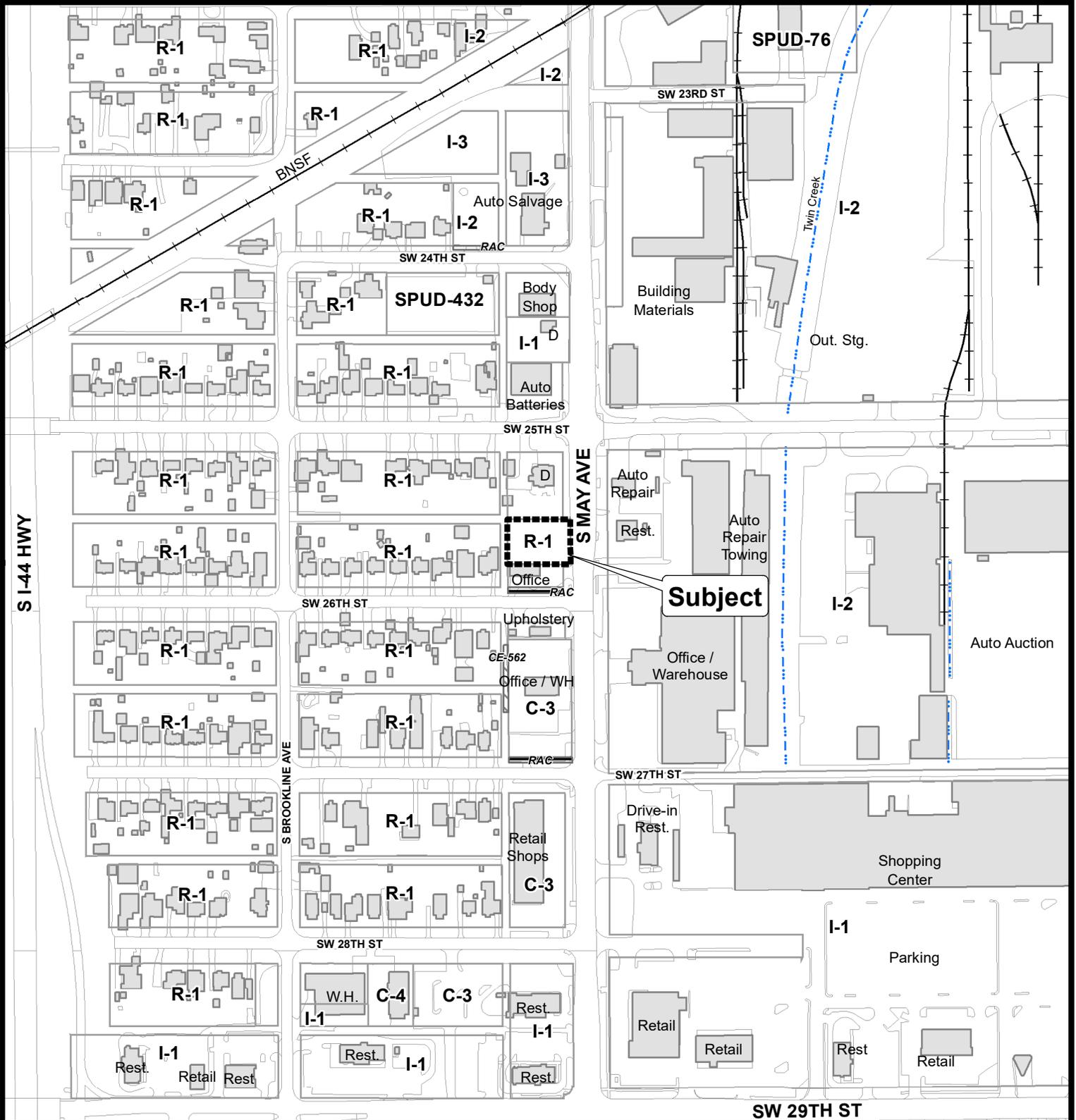
**IV. STAFF RECOMMENDATION**

*Staff recommendations are advisory only and do not constitute Planning Commission decisions. Staff recommendations are based on a technical evaluation of information submitted at the time of review. Determination of conformance with policies contained in the comprehensive plan is the purview of the Planning Commission. Planning Commission decisions require a vote of five members to approve or deny an item. The Planning Commission may consider in its decision-making process any additional relevant information presented at the public hearing by the public, applicant, and/or City departments.*

**Approval of the application.**

taj

**Case No: PC-10851    Applicant: Mark F. Walther**  
**Existing Zoning: R-1    Proposed zoning: C-3**  
**Location: 2607 S. May Ave.**



The City of  
**OKLAHOMA CITY**

# Rezoning Application



0 150 300  
 Feet

**Case No: PC-10851    Applicant: Mark F. Walther**  
**Existing Zoning: R-1    Proposed zoning: C-3**  
**Location: 2607 S. May Ave.**



Aerial Photo from 2/2020



The City of  
OKLAHOMA CITY

# Rezoning Application



0    150    300  
Feet